

I must again insist that there is no desire to drag this out. There are many very deeply held feelings about many of these issues because they affect the pocketbook and ultimately the very security of a vast number of people in this country whose reliance upon energy is perhaps as consequential as their reliance on food or anything else. It is a commodity that we must have. So, clearly, we want to resolve these issues. But we are not going to be jammed. We are certainly not going to treat lightly or minimize the consequences and the extraordinary importance of these issues as we continue this debate.

I told the distinguished majority leader a few hours ago that I was in favor of grinding this out, trying to find as many ways to take up these issues and deal with them as we can. But nobody should be surprised if, at the end of the week, given the complexity and importance of these issues, that we have not completed our work. One of the reasons we have not completed our work, so far, is because we have had some other issues that have been the focus of attention in the Senate. One of those was the supplemental that passed. I want to comment on that briefly as well.

On July 8, President Bush proposed a supplemental for \$1.9 billion that consisted of three very critical parts: \$1.55 billion for FEMA disaster assistance; \$289 million for Forest Service and Bureau of Land Management to cover the costs of fighting wildfires all over this country; and \$50 million for NASA's investigation of the Challenger disaster. The Appropriations Committee supported the President's request, but they added one more thing. On a bipartisan basis, and with the approval and support of the White House, they added an additional \$100 million to head off a looming funding crisis that would force AmeriCorps to cut from its rolls 15,000 volunteers. The committee's decision to add AmeriCorps' funding to the package was affirmed on the floor by a vote of 77 to 21 to defeat an amendment to strip out AmeriCorps' funding, and then by a vote of 85 to 7 to support final passage of the underlying legislation.

So we went into conference with our colleagues in the House with every expectation—given the President's support, given the overwhelming bipartisan vote on AmeriCorps and these other key issues, but most importantly, given the urgency that is evident to anybody who knows the circumstances—that before the House adjourned, we would have voted on all four of those components. Instead, for reasons I can only begin to imagine, the House Republican leadership cut nearly \$600 million from the President's request for FEMA disaster assistance. The result is that with that cut, we are told today that disaster assistance funds could run out before we come back in September. You are going to have States all over this coun-

try needing disaster aid, and it will not be available because those funds were eliminated.

They also eliminated all the money that we need to fight wildfires. We have a fire that has now consumed over 2,500 acres just on the Wyoming side of the South Dakota border. To my knowledge, it still burns out of control. As a result of the funding cut, we may not have adequate funding to fight the fires that we know will occur in August, and perhaps in September, as a result of the elimination of this \$289 million. The money will not be there.

And then, of course, the money for AmeriCorps was eliminated as well. Hundreds of worthy programs, serving tens of thousands of Americans, are going to be terminated because the AmeriCorps volunteers will be without funding.

Mr. President, the state of affairs, and the reasons for the actions taken in the House, are simply unacceptable. We have to find a way this week to resolve these outstanding questions.

I do not know what could be more important than ensuring that as these fires burn out of control, we are going to get the necessary resources to the Federal agencies so they can get needed resources to the sites of the disaster. That is true of FEMA. It is true of AmeriCorps. And, I must say, I am troubled with the message it sends about *Challenger*. It ought to be true of our commitment to find ultimately a successful conclusion to the NASA investigation of *Challenger* as well.

Mr. President, I did not hear his remarks on the Senate floor, but the distinguished Chair of the Appropriations Committee expressed himself very clearly this afternoon, and it is my desire to work with him and others to see that we find a way to resolve this issue successfully. We cannot leave this week with the extraordinary message we would be sending to the entire country about FEMA, about forest fires, about the *Challenger* disaster, and about AmeriCorps.

We have to find a bipartisan solution, just as we did earlier this month, to address those matters prior to the time we leave. The majority leader has noted that he feels so strongly about the Energy bill that we should not leave before we finish the Energy bill. I will say, we should not leave before we have resolved this crisis in funding for these four agencies. I hope on a bipartisan basis we can say that, we could reassert ourselves, or we could assure that somehow this matter can be resolved.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Alabama is recognized.

## PRISON RAPE ELIMINATION ACT OF 2003

Mr. SESSIONS. Mr. President, I wish to say a few words about legislation that just cleared the House. It is something I think is healthy and good. It is the Prison Rape Elimination Act of 2003. I worked with Senator KENNEDY to hammer out legislation that I think is important. We have different political philosophies, but we have come together on this issue. Also, in the House, Congressmen FRANK WOLF and BOBBY SCOTT worked together to move the legislation through their body. As a Federal prosecutor for 15 years and as an attorney general for Alabama, I sent many guilty criminals to prison where they belong. I believe they should be treated fairly in court, and I treated them fairly. I also believe they should be treated fairly in prison.

Most prison wardens and sheriffs are outstanding public servants. They do a fine job of supervising inmates, and I respect them and commend them for the work they do. However, knowingly subjecting a prisoner to a circumstance where they could be sexually assaulted, and raped, is cruel and unusual punishment, clearly, under the eighth amendment to the Constitution.

Some States have estimated as many as 10 percent or more convicted offenders have been subject to sexual assault in prison. One study said 13 percent and another study said 14 percent. I hope these statistics are an exaggeration and frankly, I think they may be an exaggeration. Nonetheless, it is the duty of government officials to ensure that criminals who are convicted and sentenced to prison, serve the sentence imposed by the judge, but not additional sentence of sexual assault. Rape is not a part of any lawful sentence.

I am also concerned when I see television programs, movies, and read books that constantly suggest that any young person sent to prison is going to be sexually assaulted. I have never believed that to be true, but I have not doubted some of it occurs. None of it should occur.

As a prosecutor, I had a policy that I would talk to any mother or close family member of any person who was convicted in my court. Many of them told me of their concerns about sexual assault in prison based on what they had seen on television and what they had read in books.

This bill will deal with the issue in three ways. It establishes a national commission to study prison rape at the Federal, State, and local levels and, after 2 years, to publish the results of the study and make recommendations on how to reduce prison rape.

Second, the bill directs the Attorney General to issue a rule for the reduction of prison rape in Federal prisons. That is what we have direct responsibility for in this body, Federal prisons. To avoid a reduction in certain Federal funds, each State should certify it has adopted or is in compliance with the standards set forth in the Attorney

General's rules for improvement in this area. If a State is not in compliance, it can use the 5-percent money that they would otherwise lose to work on this problem. If they do that, they will not end up losing any money, but it will be a way of us saying: If you are going to continue to draw Federal money, take this issue seriously.

Third, the bill will require the Department of Justice to conduct statistical surveys on prison rape for Federal, State, and local prisons and jails. Further, the Federal Government will select officials in prisons with the highest incidence of prison rape and with the lowest incidence of sexual assaults and have them come to Washington to discuss the problem and testify.

The bill provides grants of up to \$40 million to States for the prevention, investigation, and prosecution of prison rape. We find very little prosecution of these cases for prison rape. It will help the States reduce repeat offenses.

A broad and bipartisan array of organizations and institutions have added their support to this bill; for example: The American Psychological Association; Camp Fire USA; Center for Religious Freedom, Freedom House; Christian Rescue Committee; Citizens United for Rehabilitation; Focus on the Family; Good News, United Methodist Church; Human Rights Watch; Justice Policy Institute; Lutheran Office for Governmental Affairs; National Association of School Psychologists; National Association of Evangelicals; National Association for the Advancement of Colored People; National Council for La Raza; National Network for Youth; National Mental Health Association; Marvin Olasky, the author and editor; Partnership for Responsible Drug Information, Presbyterian Church USA; Religious Action Center; Prison Fellowship—that is Chuck Colson's group that has been active in working on this issue—the Salvation Army; the Southern Baptist Convention; Unitarian Universalists for Juvenile Justice; Volunteers of America; and Youth Law Center.

I also thank Linda Chavez and Mike Horowitz for the ideas that started this legislative initiative. Well-conceived and carefully crafted ideas drive many legislative and political initiatives that become law after people work together to form a bipartisan, moral position.

I commend the hard work of Bill Pryor, the attorney general of Alabama, who worked with us on this issue and testified in favor of it. He cares about the individuals who are in prison, having put a lot of them there himself, and he demands fairness in how the prisoners are treated.

I also compliment my Senate staff person, Andrea Sander, for her excellent work in this matter.

This bill will address prison rape, not through unfunded mandates but by studying the problem and figuring out how to address these needs. It is time

for us to confront this issue, to deal with it, and put it behind us. Mothers should not have to worry that their children are going to be sexually assaulted in prison. That should not occur. I believe we can do better. This bill will be a major step in that direction, and I salute Senator KENNEDY for his leadership in helping us make this happen.

I thank the Chair and yield the floor.  
Mr. SESSIONS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. SESSIONS. I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### DARPA AND THE FUTURES MARKET

Mr. DORGAN. Mr. President, we are on the Energy bill, but I wish to take a moment, inasmuch as my colleague from Wyoming has finished his statement, to speak on another subject. This morning my colleague, Senator WYDEN from Oregon, and I had a press conference disclosing something that is going on in a small corner of the Department of Defense. It is pretty disconcerting.

I should say at the outset that over recent months, Senator WYDEN and I have tried to put together a little project dealing with Government waste. Both of us believe very strongly Government does a lot of things to improve people's lives. It funds education and highways and provides for this country's protection and defense. There are a lot of things the Government does that are important to our daily lives, but when there is waste of money in Government, it is appalling.

We have discovered in a small corner of the Pentagon something that is going on that ought to be stopped immediately: In three days, a program sponsored by an agency in the Pentagon called DARPA will begin to allow sign-ups for the creation of a futures program for people to buy and sell futures contracts. It is an approach to try to use the market system to predict future events in the Middle East, they say.

I encourage people to go to their Web page and take a look at it. They say, for example, they will create a futures market in which buyers and sellers will make judgments and price futures contracts on predictive events such as: Will Mr. Arafat be assassinated? Will the King of Jordan be overthrown? Will

there be a bioterrorist attack against the country of Israel?

I told someone about discovering that this was going on at the Pentagon. They said I am clearly wrong about that; there is not any way the Pentagon can be setting up a futures contract system in which people will make bets on the Internet about whether some leader will be assassinated or whether there will be a bioterrorist attack.

The answer is, they are wrong. That is exactly what is happening. I say to anybody who wonders about it, go to the Internet. It is unbelievably stupid as a public policy, in my judgment, to think that real intelligence can be replaced by a betting system involving people connected to the Internet around the world; that you can replace real intelligence with a so-called market-based system in which presumably informed buyers and sellers would make bets, wagers—they call it futures contracts, but in fact it would be wagers—on whether a foreign leader would be assassinated, on whether there would be a bioterrorist attack, on whether North Korea would launch missiles.

I am using all of these examples because they are on the Internet site sponsored by the Department of Defense. This is real. I thought immediately, this clearly must be someone who went to The Onion and it is a spoof.

No, it is not. One does not find this on The Onion. They find it on an Internet site sponsored by DARPA at the Department of Defense, saying they are going to create this system and the sign-up starts August 1. The trading on futures contracts on these kinds of questions trying to be predictive about future events in the Middle East will begin on October 1, and they hope to ultimately have 10,000 traders. It is the most Byzantine, harebrained scheme I think I have ever heard coming from Government.

I say to DARPA, and to Admiral Poindexter, who I understand is running this program: Stop it. End it.

If not, we will try to end it in the appropriations process.

The Department of Defense does a lot of wonderful things. I have great admiration for them, and I serve on the Defense Appropriations Subcommittee. But putting together a program for trading of futures contracts on the kinds of propositions I have just mentioned—assassinating leaders, bioterrorist attacks—is not a project that warrants any credibility at all. It is a tragic waste of the taxpayers' money. It is offensive and, in my judgment, it will have no value to anyone.

My hope is that Senator WYDEN and I will have convinced the Pentagon today that enough is enough. Stop this kind of nonsense.